House of Representatives

File No. 756

General Assembly

January Session, 2013

(Reprint of File No. 134)

House Bill No. 6453
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 6, 2013

AN ACT CONCERNING FOAMED-IN-PLACE INSULATING MATERIAL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) Urea-formaldehyde (UF) foamed-in-place insulation, also referred to as formaldehyde-based insulation, means any cellular plastic thermal material which contains as a component chemical formaldehyde, formaldehyde polymers, formaldehyde derivatives and any other chemical from which formaldehyde can be released, but does not mean urethane foam insulation or styrene foam insulation.

(b) Urea-formaldehyde foamed-in-place insulation shall not be installed in any building or structure on or after June 1, 1981.**]**

(a) As used in this section:

(1) "Urea-formaldehyde foamed-in-place insulation material" means a cellular plastic insulation material generated in a continuous stream

by mixing the components which consist of a urea-formaldehyde based resin, air and a foaming agent, but does not mean or include urethane foam insulation or styrene foam insulation;

(2) "Standard Method" means "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers Version 1.1", issued in 2010 by the California Department of Public Health; and

(3) "ASTM standard D7859" means "ASTM D7859, Standard Practice for Spraying, Sampling, Packaging and Test Specimen Preparation of Spray Polyurethane Foam (SPF) for Testing of Emissions Using Environmental Chambers," published by ASTM International.

(b) Foamed-in-place insulating material, except urethane foam insulation or styrene foam insulation, shall not be sold or installed in this state on or after the effective date of this section unless the manufacturer or supplier has certified to the State Building Inspector that the material complies with the provisions of this section.

(c) Such certification shall contain the following information:

(1) The name of the manufacturer;

(2) A description of the type of insulating material being certified in sufficient detail to permit its identification, which description may include information sheets, brochures, a sample label for the product or similar information;

(3) A statement that the insulating material is not a urea-formaldehyde foamed-in-place insulation material;

(4) (A) Verification that the insulating material has undergone small-scale formaldehyde emissions testing and evaluation in accordance with, and meets the requirements of, the most current version of the Standard Method, provided:

(i) All samples are prepared, sprayed, packaged and shipped to an

analytical laboratory in accordance with the most current version of ASTM standard D7859;

(ii) The analytical laboratory has ISO/IEC standard 17025 accreditation and the capabilities to perform such testing and evaluation; and

(iii) The formaldehyde emissions testing and evaluation includes indoor air quality modeling for thermal insulation used in ceilings and walls in a standard school classroom as specified in table 4.3 of the most current version of the Standard Method; or

(B) Verification that the insulating material meets the requirements of one of the following methods, provided all samples are prepared, sprayed, packaged and shipped in accordance with the most current version of ASTM standard D7859:

(i) Scientific Certification Systems Indoor Advantage + Formaldehyde Free Certification Requirements;

(ii) GREENGUARD Environmental Institute Formaldehyde Free Verification Requirements;

(iii) CAN/ULC-S774-09 Standard Laboratory Guide for the Determination of Volatile Organic Compound Emissions from Polyurethane Foam; or

(iv) Any other test or documentation acceptable to the State Building Inspector that documents the emission or release of formaldehyde within cured insulating materials; and

(5) A description of the quality assurance program used by the manufacturer or supplier, including the manufacturer's or supplier's training program for installers of the insulating material.

[(c)**]** (d) Any person who violates any provision of this section shall be fined not more than five hundred dollars for the first offense and for each subsequent offense shall be fined not more than one thousand

dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	29-277

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 $	FY 15 $
Construction Services, Dept.	GF - Potential Revenue Gain	Potential Minimal	Potential Minimal

Municipal Impact: None

Explanation

The bill, which narrows the definition of urea-formaldehyde foamed-in-place insulation (UFFI) and extends the UFFI ban to sales, may result in a potential revenue gain of less than $5,000. In FY 12, there was no revenue generated from fines associated with the installation ban of UFFI.

House "A" strikes the original bill and has the fiscal impact indicated above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to number of fines.

OLR Bill Analysis

HB 6453 (as amended by House "A")*

AN ACT CONCERNING FOAMED-IN-PLACE INSULATING MATERIAL.

SUMMARY:

Current law bans the installation of urea-formaldehyde foamed-in-place insulation (UFFI), except for urethane foam insulation or styrene foam insulation, in any building or structure.

This bill narrows the definition of UFFI and extends the ban on UFFI installation to UFFI sales as well.

The bill also bans the sale and installation of all other foamed-in-place insulating material, unless the manufacturer or supplier certifies to the state building inspector that the material complies with the bill's specifications. The bill retains the exemption for urethane foam insulation or styrene foam insulation.

The bill extends the penalty for the unlawful installation of UFFI to the sale of UFFI and sale and installation of other foamed-in-place insulation. A first violation is punishable by a fine of up to $500 and a subsequent violation by a fine of up to $1,000.

*House Amendment "A" adds the Standard Method verification, replaces ASTM D6007 tests with ASTM D7859 tests, and changes the effective date to upon passage.

EFFECTIVE DATE: Upon passage

UFFI

Current law defines "UFFI" (also referred to as formaldehyde-based insulation) as cellular plastic thermal material, irrespective of how

generated, containing chemical formaldehyde, formaldehyde polymers or derivatives, or other chemicals that can release formaldehyde.

The bill narrows the definition of UFFI by excluding references to formaldehyde polymers and derivatives and formaldehyde releasing chemicals. It also defines the material by the method used to generate it. Under the bill, "UFFI insulation material" means a cellular plastic insulation material generated in a continuous stream by mixing a urea-formaldehyde-based resin, air, and a foaming agent.

Under both current law and the bill, the definition does not include urethane foam insulation or styrene foam insulation.

OTHER FOAMED-IN-PLACE INSULATION

The bill bans the sale or installation of any foamed-in-place insulating material, except urethane or styrene foam insulation, unless the manufacturer or supplier certifies to the state building inspector that the cured material complies with the bill's specifications.

The certification must contain:

1. the manufacturer's name;

2. a description of the type of insulating material being certified in sufficient detail to permit its identification, such as information sheets, brochures, a sample product label, or similar information;

3. a statement that the insulating material is not a UFFI material; and

4. verification that the insulating material either (a) has undergone small-scale formaldehyde emissions testing and evaluation in accordance with, and meets the requirements of, the most current version of the Standard Method or (b) meets the requirements of one of several specified methods, provided all samples are prepared, sprayed, packaged, and shipped in

accordance with the most current version of ASTM standard D7859.

If the Standard Method certification is used, the manufacturer or supplier must verify that:

1. all samples are prepared, sprayed, packaged, and shipped to an analytical laboratory in accordance with the most current version of ASTM standard D7859;

2. the laboratory has ISO/IEC standard 17025 accreditation and can perform the testing and evaluation; and

3. the formaldehyde emissions testing and evaluation include indoor air quality modeling for thermal insulation used in ceilings and walls in a standard school classroom as specified in Table 4.3 of the most current version of the Standard Method.

Under the bill, the "Standard Method" means the "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers Version 1.1," issued in 2010 by the California Department of Public Health.

If the ASTM verification is used, the insulating material must meet one of the following standards:

1. Scientific Certification Systems Indoor Advantage + Formaldehyde Free Certification Requirements,

2. GREENGUARD Environmental Institute's Formaldehyde-free Verification Requirements,

3. CAN/ULC-S774-09 Standard Laboratory Guide for the Determination of Volatile Organic Compound Emissions from Polyurethane Foam, or

4. any other test or documentation acceptable to the state building

inspector that documents the emission or release of urea formaldehyde within cured insulating material.

Under the bill, "ASTM standard D7859" means "ASTM 7859, Standard Practice for Spraying, Sampling, Packaging and Test Specimen Preparation of Spray Polyurethane Foam (SPF) for Testing of Emissions Using Environmental Chambers," published by ASTM International.

The certification must also contain a description of the quality assurance program used by the manufacturer or supplier, including the manufacturer's or supplier's training program for installers of the insulating material.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable
Yea 23 Nay 0 (03/07/2013)

Environment Committee

Joint Favorable
Yea 25 Nay 0 (04/23/2013)